IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 9637 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE B.C.PATEL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

RAMESH ALIAS FAFDO PRATAPBHAI THAKORE

Versus

STATE OF GUJARAT

Appearance:

MR SATISH R PATEL for Petitioner

MR DN PATEL AGP for Respondent No. 1, 2, 3

CORAM : MR.JUSTICE B.C.PATEL

Date of decision: 03/03/2000

ORAL JUDGEMENT

The detenu through jail has filed this petition as he has been detained by the Police Commissioner, Ahmedabad, under the provisions contained in the Gujarat Prevention of Anti-social Activities Act, 1985 (`PASA Act' for short). It is required to be noted that in the

instant case the detenu was not represented by the lawyer. Mr. Satish Patel has rendered assistance and I appreciate the services rendered by him.

2. Grounds of detention, xerox copy of which is produced on the record. Reading the same it appears that two offences have been registered against the detenu, both at Bapunagar Police Station, one of 22/7/99 and other of 20th August, 1996. The detenu was found in indulging in various crimes and was known as a dangerous person. He snatched away the material from the Vendor without payment; on demand, the detenu started beating the Vendor on the public street. On account of cry, people collected. The detenu took out knife and rushed towards the people hence people run-away. Thus, for a temporary period, there was a situation by which it can be said that the situation was disturbed. Another incident is also indicated in the grounds of detention. Witnesses were so much afraid that they were not willing to disclose the names openly and on assurance being given that their names will be kept secret, they conved information against the detenu.

3. Without going into the validity of the grounds of detention, this petition is required to be disposed of on a short ground. Learned Advocate for the petitioner has pointed out that some of the papers (in particular Medical Certificate) supplied to the detenu are not legible, as a result of which, he was not in a position to make a proper representation. It is required to be noted that by catena of decisions, it is pointed out that all the documents supplied by the detaining authority to the detenu must be legible. In the instant case, the learned AGP Mr. Patel is not in a position to controvert this submission of the learned counsel for the detenu, after looking at the papers. Under this circumstances, the detention order is required to be held as bad and illegal and accordingly the detention order is hereby quashed and set aside. The petition is allowed. Rule is made absolute.

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